

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

ELIZABETH SOLIS and VICTOR SOLIS, a
marital community,

Plaintiffs,

v.

ESSEX PROPERTY TRUST, INC., d/b/a/
ESSEX PROPERTY, INC., a foreign
corporation, ESSEX MANAGEMENT
CORPORATION, INC., ESSEX
PORTFOLIO, L.P., a foreign limited
partnership, XYZ CO., a foreign corporation,
limited liability company, limited liability
partnership, partnership or sole proprietorship,

Defendant.

Case No. 2:21-cv-01650

STIPULATED MOTION AND
[PROPOSED] ORDER FOR REMAND

**NOTED FOR HEARING:
DECEMBER 23, 2021**

STIPULATED MOTION

Plaintiffs Elizabeth and Victor Solis (“Plaintiffs”) and Defendants Essex Management Corporation, Essex Property Trust, Inc., and Essex Portfolio, L.P. (collectively “Essex Defendants”) stipulate as follows:

1. On March 17, 2021, Plaintiffs commenced an action in the Superior Court of the State of Washington in and for the County of King, entitled *Elizabeth Solis and Victor Solis v. Essex Property Trust, Inc. d/b/a Essex Property, Inc., XYZ Co*, case number 21-2-03556-2 SEA (the “Action”). On May 7, 2021, Plaintiffs filed an Amended Complaint for Damages

STIPULATED MOTION AND [PROPOSED] ORDER FOR
REMAND - 1

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1 adding Essex Portfolio, L.P. as a defendant.

2 2. On December 9, 2021, Essex Defendants filed a Notice of Removal of the
3 Action to the United States District Court for the Western District of Washington pursuant to
4 28 U.S.C. §§ 1332, 1441, and 1446. (Dkt. # 1)

5 3. Following the Removal of the Action, Essex Defendants were notified that a
6 limited partner of Essex Portfolio LP recently relocated from California to Washington, and is
7 now domiciled in Washington. Counsel for Essex Defendants' notified Plaintiffs' Counsel of
8 this information on December 21, 2021.

9 4. Given that the citizenship of a Limited Partnership (LP), for diversity purposes,
10 is determined by the citizenship of the LP's members, the Parties agree that the Action should
11 be remanded to the King County Superior Court. *Johnson v. Columbia Properties Anchorage,*
12 *LP*, 437 F.3d 894, 899 (9th Cir. 2003) ("[A] partnership is a citizen of all of the states of which
13 its partners are citizens").

14 5. The Parties further stipulate that each party shall bear its own attorneys' fees
15 and costs with respect to the removal and subsequent remand of the Action pursuant to this
16 stipulation and order.

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STIPULATED MOTION AND [PROPOSED] ORDER FOR
REMAND - 2

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Dated this 23rd day of December, 2021.

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Trust, Inc. and Essex Portfolio, L.P.*

ORDER

On December 23rd, 2021, the Parties in the above-referenced action filed a Stipulated Motion to Remand the Action. The Court having reviewed the Stipulation and good cause appearing, order as follows:

1. The Parties' stipulated motion is approved; and
2. Western District of Washington Case No. 2:21-cv-01650 styled *Elizabeth and Victor Solis vs. Essex Property Trust, Inc., d/b/a Essex Property Inc., Essex Management Corporation, Inc., Essex Portfolio, L.P., and XYZ Co.*, is hereby remanded to King County Superior Court.

IT IS SO ORDERED.

Dated this ____ day of December, 2021

UNITED STATES DISTRICT JUDGE

STIPULATED MOTION AND [PROPOSED] ORDER FOR
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STIPULATED MOTION AND [PROPOSED] ORDER FOR
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